

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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TAE-SI KIM, *et al.*,

Plaintiffs,

vs.

ADAM B. KEARNEY, *et al.*,

Defendants.

2:09-CV-02008-PMP-PAL

ORDER

This case is set to commence trial on Tuesday, April 9, 2013. On February 20, 2013, the Court entered an Order (Doc. #311) denying Plaintiff's Motion to Stay Proceedings (Doc. #307). However, a number of factors have combined which make it impossible for the Court to maintain the currently scheduled trial date.

On Monday, March 11, 2013, the Court commenced a criminal trial which the Parties have estimated will take approximately six weeks to complete. Immediately thereafter, the Court has two, and possibly three, criminal trials scheduled involving Defendants who are in federal custody. The mandates of the Speedy Trial Act, 18 U.S.C. § 3161, *et seq*, require that such cases take precedence over pending civil trials.

Additionally, given the inaction, and apparent inability of the Executive and Legislative Branches to adequately fund the Federal Judiciary, and to fill judicial vacancies, the resources of this Court are severely strained and make it impractical for the Court to reassign this case, or other pending criminal cases, for

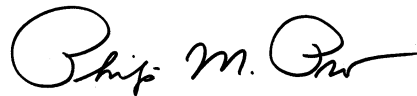
1 trial in the near future. Moreover, the undersigned will not be available to try this,
2 or other cases, during the months of May or June, 2013. Finally, Defendants
3 Motions for Leave to File Motion for Summary Judgment on Plaintiffs' Remaining
4 Common Law Claims and Motions for Reconsideration (Docs. #285 & #286) filed
5 September 27, 2012, and twenty-three Motions in Limine filed March 8, 2013,
6 which have not yet been fully briefed, also are currently pending before the Court.

7 For all of the foregoing reasons, and good cause appearing,

8 **IT IS ORDERED** that the trial date of April 9, 2013, previously set in this
9 case is hereby vacated.

10 **IT IS FURTHER ORDERED** that this action is hereby rescheduled for
11 trial on the Court's stacked calendar for October 22, 2013, at 9:00 a.m. with calendar
12 call to be conducted the prior Wednesday, October 16, 2013, at 9:00 a.m.

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14 DATED: March 18, 2013.

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PHILIP M. PRO
United States District Judge